

REMARKS

Upon receipt of this response, the Examiner is respectfully requested to contact the undersigned representative of the Applicant to arrange a telephone interview concerning the inventive merits of this application.

Please consider the above claim amendments and the following remarks during further prosecution of the above identified application. The Applicant drawing the Examiner's attention to the fact the corresponding applications, pending before the European and Japan Patent Offices, were recently allowed with claims having scope similar to that pending in the above identified application.

Initially, the Applicant thanks the Examiner for indicating that claims 42 and 63-68 are allowable over the art of record in this case. Claim 42 is editorially revised and such revision is not believed to in any way effect the indicated allowability of that claim.

Claims 53-56, 67 and 68 are first rejected under 35 U.S.C. § 112, first paragraph, for the reasons noted in the official action. The inadequate written description rejection is acknowledged and respectfully traversed in view of the following remarks.

With respect to the raised rejection, the Applicant notes that originally filed specification does indeed disclose that the claimed pressurizing means is used to exert pressure on the cells. The Applicant respectfully draws the Examiner's attention to paragraph [082] where it is disclosed that internal pressure can be achieved in the following manner: ". . . all the walls of the receptacle can be covered on the inner side by such a bag or balloon, in which case the implant or cell cultures are located in the inside. In this way, an alternating pressure load is exerted all round from outside." (Emphasis added.) Furthermore, other pressure means are disclosed within the specification, such as a cylinder/piston unit acting on gas or air "to pressurize the interior of the receptacle 1 and thus the cell culture chamber 6" is capable of exerting pressure only in three dimensions (see paragraphs [063] and [064]).

In any event, claims 67, 68 and 53, 54 and 56 are appropriately revised to now recite that the "pressurizing means is located within a structure of the receptacle (1) for exerting pressure on the cells (7) being cultivated within the device" and the specification clearly provides ample support for such claimed feature and the raised 35 U.S.C. § 112, first

paragraph, rejection should be withdrawn at this time. As this is the only rejection raised with respect to claims 67, 68 and 53, 54 and 56, it is respectfully submitted that all of those claims are now placed in allowable form.

Next, claim 52 is rejected, under 35 U.S.C. § 103(a), as being unpatentable over Lee '639 (U.S. Patent No. 4,377,639). The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.
the raised anticipatory rejection in view of the following remarks.

As previously stated, Lee '639 relates to a tissue culture device for mass cell culture. The culture apparatus 10 includes a horizontally disposed cylindrical body 11 having an input port 21 and output port 22 located in the wall of the cylindrical body 11. A first open end of the cylindrical body 11 is enclosed by a cap 12 and the second open end of the cylindrical body 11 is enclosed by a cap 13. These caps 12, 13 screw onto the cylindrical body 11 and support a culture disc holder 16. A ring seal 29 extends about the interior periphery of the cap 12 to provide a fluid tight seal between the end cap 12 and the first open end of the cylindrical body 11. A similar ring seal 29 is provided for the second cap 13 at the opposite end of the cylindrical body 11. As seen in Fig. 1 of Lee '639, these seals 29 are sandwiched between the axial ends of the cylindrical body 11 and the disk like interior face of the caps 12, 13. It is respectfully submitted that the culture device taught by Lee '639 is distinctly different from the device as currently claimed.

In particular, amended claim 52 includes the limitation of having at least one resilient lateral tensioning ring that encircles both the exterior surface of the base receptacle and the exterior surface of the upper lid such that the sealing engagement between the upper lid and the base receptacle is retained when the container-like receptacle is rotated about its transverse axis. In short, the tensioning ring wraps around and surrounds the exterior of the receptacle to maintain the upper lid and the base receptacle in engagement with one another. It is respectfully submitted that such a tensioning ring, as presently claimed, is clearly not a rearrangement of the ring seal 29 disclosed in Lee '639, but rather is a distinct part that is not taught, suggested, disclosed or remotely hinted at by Lee '639. In addition, claim 52 now also recites that "a pressurizing device coupled to the device for raising or cultivating cells for

exerting pressure on the cells (7) being cultivated within the device" and such feature, as presently claimed, is also clearly not taught, suggested, disclosed or remotely hinted at by Lee '639. As such, the raised rejection in view of Lee '639 should be withdrawn at this time.

In view of the forgoing, independent claim 52 is amended to more explicitly recite and set forth the present invention and to thereby clarify and make more explicit the fundamental distinctions between the presently claimed invention and the applied prior art. Specifically, claim 52 now recites the features "wherein the upper lid (3) is connected to the base receptacle (1) in a pressure-tight manner by mating internal and external threaded connections of the upper lid (3) and base receptacle (1), and each threaded connection is provided with at least one sealing ring. . . a pressurizing device coupled to the device for raising or cultivating cells for exerting pressure on the cells (7) being cultivated within the device." Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

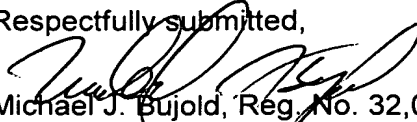
In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Lee '639 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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